

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LAURA HUDAK, Executrix of the	)	CASE NO. 5:21-CV-60
Estate of William P. Koballa,	)	
	)	JUDGE SARA LIOI
Plaintiff,	)	MAGISTRATE JUDGE CARMEN E.
	)	HENDERSON
v.	)	
	)	
ELMCROFT OF SAGAMORE	)	<b><u>NOTICE OF APPEAL</u></b>
HILLS, et al.,	)	
	)	
Defendants.	)	
	)	

Notice is given that Defendants Elmcroft of Sagamore Hills, Elmcroft by Eclipse Senior Living, Eclipse Senior Living, Inc., Eclipse Portfolio Operations, LLC, Eclipse Portfolio Operations II, LLC, and Jamie Ashley Cohen, ("Defendants") hereby appeal, pursuant to 28 U.S.C. §1447(d) (right of appeal from remand of federal officer claim), *BP P.L.C. v. Mayor and City Council of Baltimore*, 141 S.Ct. 1532 (2021) ("when a district court's removal order rejects all of the defendants' grounds for removal, § 1447(d) authorizes a court of appeals to review each and every one of them"), and 28 U.S.C. § 1291 (direct appeal of final order), to the United States Court of Appeals for the Sixth Circuit from the District Court's August 19, 2021 Order granting Plaintiff's Motion to Remand over Defendants' argument that federal jurisdiction exists pursuant

to 28 U.S.C. §§ 1331, 1441(a) and (c), and 1442(a)(1). A copy of the Order is attached hereto as  
**Exhibit "A."**

Respectfully submitted,

**HALL BOOTH SMITH, P.C.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 17, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

By: /s/ Keith Hansbrough  
KEITH HANSBROUGH (0072671)